

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SHANE JOHNSTON,

Applicant,

v.

CIV-06-0570 RB/LAM

JOE ROMERO, Warden, et al.,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION (Doc. 13)**

THIS MATTER is before the Court on the *Magistrate Judge's Proposed Findings and Recommended Disposition* (Doc. 13), filed on March 28, 2007. No party has filed objections to the proposed findings and recommended disposition and the deadline for filing objections has passed. The Court has determined that it will adopt the *Magistrate Judge's Proposed Findings and Recommended Disposition* (Doc. 13), grant *Respondents' Motion to Dismiss Petition With Prejudice* (Doc. 7), deny Applicant Shane Johnston's *Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody* (Doc. 1) as without merit, and dismiss this case with prejudice.

IT IS THEREFORE ORDERED that the *Magistrate Judge's Proposed Findings and Recommended Disposition* (Doc. 13) are **ADOPTED** by the Court.

IT IS FURTHER ORDERED that *Respondents' Motion to Dismiss Petition With Prejudice* (Doc. 7) is **GRANTED** and Applicant Shane Johnston's *Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody* (Doc. 1) is **DENIED** as without merit.

IT IS FURTHER ORDERED that a final judgment dismissing this case and all of Applicant Shane Johnston's claims, with prejudice, be entered concurrently with this order.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert Brack", written in a cursive style.

**HONORABLE ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE**